

Title 195 - NEBRASKA DEPARTMENT OF ENVIRONMENTAL CONTROL

Chapter 13 - CERTIFICATION AND REVOCATION PROCESS FOR CHEMIGATION APPLICATORS

001 The Department shall conduct or contract with the University of Nebraska Cooperative Extension Service to conduct annual statewide training sessions in the safe use of chemigation. All chemigation applicators are required to attend a training session.

002 The director shall issue a card entitled "Chemigation Applicator Certification" to those individuals who attend a training session and pass a written examination approved by the Department acknowledging his/her satisfactory competency in the use of chemigation.

003 The Chemigation Applicator Certification, including certificates issued prior to 1988, shall expire on January 1 of the fourth year after the date of issuance.

004 The Chemigation Applicator Certification shall be renewed by attending a training session and passing a written examination approved by the Department.

005 A Chemigation Applicator Certification may be revoked by the Department if the applicator:

005.01 Operates a chemigation system that is known to be defective or not in compliance with permit requirements;

005.02 Fails to report any actual or suspected chemigation accident to the district and the Department;

005.03 Operates or authorizes operation of a chemigation system without the necessary permit; or

005.04 Violates any of the provisions of the Nebraska Chemigation Act or subsequent regulations or standards.

006 Any person who has a certification revoked shall be afforded an opportunity for a fair hearing as provided in Neb. Rev. Stat. §81-1507(2)(3). The hearing shall be held upon written application to the director within thirty days after receipt of the notice from the director of such revocation. On the basis of such hearing the director shall affirm, modify or revoke his or her previous determination. The hearing shall be considered conducted as a contested case subject to Title 115, Rules of Practice and Procedure.

Enabling Legislation: Neb. Rev. Stat. §§ 46-1128, 46-1129, and 46-1129.01

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